

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1794
Examiner : Kelly J. Bekker
Applicants : Cheree L. B. Stevens et al.
Appln. No. : 10/629,991
Filing Date : July 30, 2003
Confirmation No. : 3726
For : EXTERNAL COATING COMPOSITION FOR TOASTER
PASTRIES AND OTHER PASTRY PRODUCTS

**DECLARATION UNDER 37 C.F.R. §1.132 TO OVERCOME 102(a) REJECTION
BASED UPON US PATENT APPLICATION PUBLICATION NO. US 2003/0044488**

1. We, Cheree L.B. Stevens and Robert O. Roskam are the named inventors of the present application, U.S. Patent Application Serial No. 10/629991.
2. We are also two of the named inventors of United States Patent Application Serial No. 10/170,964, which published as US Patent Application Publication No. US 2003/0044488 A1, which is being cited against the present application under 35 U.S.C. § 102(a).
3. We are also inventors of the subject matter of the US 2003/0044488 A1 application which relates to the application of a coating composition to a toaster pastry product.
4. The other two named inventors, John F. Stevens and Joel R. Tinsley, listed on the face of the US 2003/0044488 A1 publication were so listed for their contributions to coatings described for application to substrates other than toaster pastries, namely, for example, potato chips, tortilla chips, curls, puffs, and other snack/convenience food items.

5. All statements made herein of our own knowledge are true and all statements made on information and belief are believed to be true, and further, these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

12-1-10

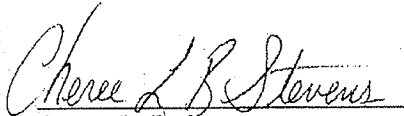
Date



Robert O. Roskam

November 23, 2010

Date



Cheree L. B. Stevens